

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

DANIEL BRYAN KELLY,)	
_____)	
Plaintiff,)	
)	
v.)	Civil Action No.: 2:05-cv-1150-MHT-DRB
)	
RICKY OWENS, et al.)	
)	
Defendants.)	

DEFENDANT RANDALL W. WEAVER, M.D.'s,
MOTION FOR SUMMARY JUDGMENT

COMES NOW the Defendant, Randall W. Weaver, M.D., by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and moves for summary judgment pursuant to Rule 56 (b) of the Federal Rule of Civil Procedure. The grounds for this motion are that:

1. Pursuant to the Federally Supported Health Centers Assistance Act ("FSHCAA"), 42 U.S.C. § 233 (g), Dr. Weaver enjoys statutory absolute immunity from all of plaintiff's claims. 42 U.S.C. § 233 (a).

2. Plaintiff's claims against Dr. Weaver are time barred because they were not filed within the two year statutes of limitation for medical liability and 42 U.S.C. § 1983 claims. §§ 6-2-38 (l); 6-5-482 Ala. Code (1975).

In support of this motion, Defendant Dr. Weaver relies upon Exhibits A through C submitted herewith and upon the accompanying memorandum of law. These materials show that there is no genuine issue as to any material fact and that defendant is entitled to

judgment as a matter of law.

WHEREFORE, Defendant Dr. Weaver requests that the Court enter judgment in his favor and dismiss plaintiff's claims against him in their entirety with prejudice.

Respectfully submitted this 30th day of June, 2006.

LEURA G. CANARY
United States Attorney

By: /s/Stephen M. Doyle
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CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Richard J. Stockham, III, Esquire, Kendrick E. Webb, Esquire, Kristi Allen Dowdy, Esquire, and Gary L. Willford, Jr., Esquire.

/s/Stephen M. Doyle
Assistant United States Attorney